

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

NOVEMBER 6, 2012

LEONARD DAVIS, Judge Presiding

Law Clerk(s): Gabrielle LaHatte
Chief Staff Attorney: Nicole Mitchell

Court Reporter: Judy Werlinger
Judicial Assistant: Carrie King

VIRNETX INC. V. APPLE INC.	CIVIL ACTION NO: 6:10-CV-417
ATTORNEYS FOR PLAINTIFF See Sign-In Sheet	JURY TRIAL – DAY 5 ATTORNEYS FOR DEFENDANTS See Sign-In Sheet
On this day, came the parties by their attorneys and the following proceedings were had:	
OPEN: 9:00 AM	ADJOURN: 7:24 PM

TIME:	MINUTES:
9:00 AM	Preliminary Proceedings: Pretrial matters taken up.
	Court addressed the parties regarding changes to jury charge. Parties do not object to the changes detailed by the Court.
	Court inquired of the parties regarding their times for closing. Doug Cawley responded. Danny Williams responded.
	Jason Cassady offered Plaintiff's demonstrative exhibits that have been admitted throughout trial. Exhibits admitted.
	Erica Albritton announced nothing further from Defendant.
9:03 AM	Jury seated in the courtroom.
	Court addressed the jury regarding proceedings to date.
	Court read the charge to the jury.
	Court advised will recess for break and gave additional instructions to jury.
9:54 AM	Jury excused from courtroom. Court in recess.
10:12 AM	Trial resumed. Jury seated in courtroom.
	Court addressed the jury and the parties.
	Mr. Cawley presented Plaintiff's closing argument.
	Mr. Williams presented Defendant's closing argument.

TIME:	MINUTES:
	Mr. Cawley presented Plaintiff's rebuttal argument.
	Court addressed the jury and gave instructions. Court excused the jury to begin deliberations.
11:48 AM	Jury excused from the courtroom.
	Court addressed the parties. Discussed proceedings for the afternoon.
	Court congratulated and administered oaths to Mr. Larson (Court's law clerk) and his wife who both recently passed the bar exam.
11:52 AM	Court in recess awaiting verdict.
12:44 PM	Court addressed the parties and read Jury Note #1 requesting copies of demonstrative exhibits. Mr. Albritton objected. Mr. Cawley responded. Mr. Albritton further objected. Mr. Cawley responded. Court advised it will allow the demonstratives to be provided to the jury.
	Plaintiff offered PX DEM 1-10, PX DEM 15, and PX DEM 21. Exhibits admitted.
	Mr. Williams and Mr. Albritton discussed Defendant's demonstrative exhibits. Court and Mr. Albritton discussed. Defendant offered DX-A DEM 11, 13, 17, 21, 24, 31, 59, 62, 67, 68, 78, 83, and 85. Exhibits admitted. Mr. Desmarais requested clarification on exhibits. Court responded. Mr. Williams advised Defendant has an additional exhibit board that is on its way to the courtroom. Court will recess until this additional demonstrative arrives.
12:53 PM	Court in recess awaiting verdict.
1:02 PM	Trial resumed. Court inquired regarding remaining demonstrative.
	Mr. Williams offered DX DEM Nat Board #1 and DX DEM Nat Board #2. Mr. Caldwell responded. Court and Mr. Williams discussed. Exhibits admitted.
	Demonstrative exhibits tendered to the jury.
1:04 PM	Court in recess awaiting verdict.
5:00 PM	Trial resumed.
	Court addressed the parties and advised it will send a note to the jury inquiring if they wish to continue deliberating or recess until tomorrow. The parties did not object.
5:01 PM	Court in recess awaiting verdict.
5:10 PM	Court addressed the parties and read Jury Note #2. The jury requests to continue deliberating.
5:10 PM	Court in recess awaiting verdict.
7:19 PM	Trial resumed.
	Court advised the parties that it has received a note from the jury that it has reached a verdict.

TIME:	MINUTES:
7:19 PM	Jury seated in courtroom.
	Court addressed jury and inquired if they have reached a verdict. Jury foreperson responded. Verdict form tendered to the Court. Court asked Clerk to read the verdict. Verdict read. Court inquired if the parties wished to poll the jury. Mr. Cawley and Mr. Albritton declined.
	Court addressed the jury and gave them further instructions. Court excused the jury to the jury room where someone would be there to excuse them.
7:23 PM	Jury excused from the courtroom.
	Court addressed the parties. Nothing further from the parties.
	Court gave instructions to the parties.
7:24 PM	There being nothing further, Court adjourned.